

# Order

Entered: March 12, 2002

01-34

Amendments of  
Rules 3.310, 7.208,  
and 7.213 of the  
Michigan Court Rules

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## Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rules 3.310, 7.208, and 7.213 of the Michigan Court Rules are adopted, to be effective September 1, 2002.

[The present language is amended as indicated below.]

### **Rule 3.310 Injunctions**

(A) Preliminary Injunctions.

(1) - (4) [Unchanged.]

(5) If a preliminary injunction is granted, the court shall promptly schedule a pretrial conference. The trial of the action on the merits must be held within 6 months after the injunction is granted, unless good cause is shown or the parties stipulate to a longer period. The court shall issue its decision on the merits within 56 days after the trial is completed.

(B) - (I) [Unchanged.]

### **Rule 7.208 Authority of Court or Tribunal Appealed From**

(A) Limitations. After a claim of appeal is filed or leave to appeal is granted, the trial court or tribunal may not set aside or amend the judgment or order appealed from except

(1) by order of the Court of Appeals,

(2) by stipulation of the parties,

(3) after a decision on the merits in an action in which a preliminary injunction was granted, or

(4) as otherwise provided by law.

In a criminal case, the filing of the claim of appeal does not preclude the trial court from granting a timely motion under subrule (B).

(B) - (I) [Unchanged.]

### **Rule 7.213 Calendar Cases**

(A) - (B) [Unchanged.]

(C) Priority on Calendar. The priority of cases on the session calendar is in accordance with the initial filing dates of the cases, except that precedence shall be given to interlocutory criminal appeals, child custody cases, ~~and~~ cases that the court orders expedited, and interlocutory appeals from the grant of a preliminary injunction.

(D) - (E) [Unchanged.]

Staff Comment: The March 12, 2002 amendments of Rules 3.310, 7.208, and 7.213, effective September 1, 2002, require trial courts to expeditiously decide actions in which preliminary injunctions have been granted, and allow them to proceed even if the Court of Appeals has granted interlocutory leave to appeal. Similarly, if the Court of Appeals grants leave to review entry of a preliminary injunction on an interlocutory basis, that Court is required to give priority to resolution of the appeal. See *Michigan Coalition of State Employee Unions v Michigan Civil Service Comm*, 465 Mich 212, 214, n 1 (2001).

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.